

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALYSSA STURGILL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MELISSA STURGILL,

Respondent-Appellant,

and

LEONARD PACK,

Respondent.

UNPUBLISHED

June 8, 2001

No. 229967

Macomb Circuit Court

Family Division

LC No. 99-047352-NA

Before: McDonald, P.J., and Smolenski and K. F. Kelly, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Where termination of parental rights is sought, the existence of a statutory ground for termination must be established by clear and convincing evidence. MCR 5.974(A), (F)(3); *In re Bedwell*, 160 Mich App 168, 173; 408 NW2d 65 (1987); see also MCL 712A.19b(1); MSA 27.3178(598.19b)(1). The trial court's findings of fact are reviewed for clear error. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court finds at least one statutory ground for termination has been met by clear and convincing evidence, it must terminate parental rights unless to do so is clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 351; 612 NW2d 407 (1999).

The family court did not clearly err by finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). At the time of trial, the child had been out of respondent's care for eighteen months. Respondent did not visit with her daughter for the first eleven months of her foster care. She had only a total of four visits, and visitation had to be suspended because of the regression in the child's behavior. She had not visited at all for the six months prior to trial. Further, respondent failed to substantially comply with the Parent/Agency Agreement. Such a failure to comply with the terms of a Case Service Plan is evidence that return of the child to respondent would cause a substantial risk of harm to the child's life, physical health, or mental well being. MCL 712.19a(4); MSA 27.3178(598.19a(4)).

The evidence did not otherwise indicate that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Accordingly, the family court did not err by terminating respondent's parental rights to the minor child.

Affirmed.

/s/ Gary R.McDonald
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly